HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

Standing Committee on Foreign Affairs and International Development

FAAE • NUMBER 094 • 1st SESSION • 42nd PARLIAMENT

EVIDENCE

Tuesday, April 24, 2018

Chair

The Honourable Robert Nault

Standing Committee on Foreign Affairs and International Development

Tuesday, April 24, 2018

● (1530)

[*English*]

The Chair (Hon. Robert Nault (Kenora, Lib.)): Colleagues, we'll bring this meeting to order. It's 3:30 p.m. Pursuant to Standing Order 108(2), we are undertaking a study of Canada's engagement in Asia.

I want to welcome Charles Burton, Associate Professor, Department of Political Science, from Brock University; and Pitman Potter, Professor of Law at the Peter A. Allard School of Law at the University of British Columbia—he's on video conference—and as well, Paul Evans, Professor, School of Public Policy and Global Affairs, Director Emeritus and Interim Director at the Institute of Asian Research, UBC.

Colleagues, as you know, we have an hour for the first three witnesses. We'll start with Mr. Pitman Potter to make his opening comments. Then we'll go to Mr. Evans, and we'll wrap up with Mr. Burton. Then we'll go to Q and A.

On behalf of the committee, welcome, all of you.

We'll turn the floor over to Mr. Potter.

Dr. Pitman Potter (Professor of Law, Peter A. Allard School of Law, University of British Columbia, As an Individual): Thank you very much.

I'd first like to thank the committee for offering me this opportunity to share a few thoughts with you on various issues of Canada's engagement in Asia. Today I will focus particularly on the absence of the rule of law in China and its declining attention in China.

When we look at the rule of law in China, I think we should first think about the indicators of how any fealty to the rule of law has declined significantly over the past few years. The place we want to start is to remember that when we as Canadians hear the term "the rule of law", we conjure in our minds particular expectations about protection of citizens' rights, limitations on government action, and so on.

I would just remind everyone that this is absolutely not the rule of law that is established in China, where the regime is quite careful to use the term "the socialist rule of law". Indeed, what is described in China as the rule of law is more likely or more in fact to be the rule by law; in other words, the use of formal rules, statutes, institutions, and so on to carry out policy. I think it's important to have a bit of that interpretive correction at the very beginning.

What I'd like to now do is focus on two examples, the first being the supremacy of party dominance by the Communist Party of China, an example of which is the repression of lawyers in China; and finally I will just comment on the recent constitutional amendment. Then I'll move on to implications for Canada and what to do.

Party dominance over the legal system in China has been well entrenched for the entirety of the PRC's existence, but in the post-1978, post-Mao period, it was entrenched in the constitution under the rubric of the so-called "four basic principles", the most important of which was submission to party leadership.

We might think that something that was incorporated in the state constitution in 1982 would have somehow become diluted with age, but that is most assuredly not the case. Whenever there is discussion of the constitution in China, the four basic principles are brought out once again to remind all that the constitution and the legal system are subject to a governing principle of submission to party authority.

More recently we have seen a number of examples that have entrenched this perspective. In 2013, we saw the issuance by the party of what was called "document number 9". Document number 9 attacked various activities considered unhealthy in China, including promoting western-style constitutional democracy, promoting civil society, promoting a free press. Document number 9 called for ideological leadership to resist western values and western ideas and incorporated the so-called "seven not-to-be-spoken-ofs", the seven issues that were not to be talked about. They included freedom of the press, civil society, civil rights, and so on. Judicial independence is another.

As recently as 2013, then, there was an effort to make this ideological rigour clear. Then in 2014 came the fourth plenum of the 18th central committee of the Communist Party. It was called the "rule of law plenum", but indeed, it just reaffirmed that law in China must adhere to the directives of the Chinese Communist Party.

We saw examples of this in 2015 when the politburo received reports on the work of party cells or party leadership groups within the courts, within the legislature, within the prosecutorial departments, and we saw an edict in May 2015 on establishing so-called "dang zu"—the party unit—in all non-governmental units. We thus see an expansion of party dominance and party control.

In 2016, China issued a white paper on judicial reform, and that white paper included a re-emphasis on the dominance of the party and the principle of submission to party rule, and it explicitly rejected the notion of judicial independence, preferring instead the term "impartiality". Then most recently, this year—and there are probably many other examples, these being just the ones I'm sharing with you—there was the establishment of a national supervisory commission to oversee government and state-owned sectors.

● (1535)

This was essentially an extension of the Central commission for Discipline Inspection, which is a party discipline and anti-corruption mechanism, further across the government, including into judicial institutions. It was referred to as "turning the party's will into law".

These are many examples of how law in China, despite the term "rule of law" and the deliberate attraction of expectations about what the rule of law means, is something quite different altogether. It really is submission to party rule.

A point in example of this is the repression of lawyers in China that has been going on vigorously since 2015. This is consistent with both the rules of the All China Lawyers Association that purportedly governs the behaviour of lawyers, which requires that lawyers support party leadership, and the PRC lawyer law, which also requires lawyers to uphold party leadership.

The criminal law and the criminal procedure law were recently amended to prohibit and provide punishments for provision of so-called false evidence. This was intended to discourage use by lawyers of exculpatory evidence, again under the direction of the party.

Then, what they call the "709" crackdown—so labelled for July 9, 2015—which has been going on since, is active repression, detention, and punishment of lawyers for taking positions that local party officials didn't like. Hundreds have been detained. There have been reports of torture, of forced medication, denial of access to family and legal counsel, the imposition of residential surveillance over homes and families, persecution of family members, and so on. This has been going on vigorously for the past several years. Most of these lawyers are not taking on particularly sensitive national government corruption or malfeasance issues, but rather pursing the rights of marginalized people, such as labour rights, environment, women's rights, pensions, and so on. This is yet another example of how law and legal institutions in China are being bent to the will of the party.

Perhaps the most recent example and the one that most people are very familiar with is the amendment of the constitution to remove term limits on Xi Jinping's rule. Here was another example of the party's use of a legal form to further its own goals. The result is that the constitution provides no meaningful restraint on party behaviour. This rather epitomizes the absence of the rule of law in China.

When I think about the implications of this for Canada, it's important to note that this is not simply a domestic matter. It affects China's treaty compliance. China's respect for its own law covers over to its respect for international treaties on such matters as human rights, ethnic minorities, and trade. The absence of the rule of law in China, then, affects all aspects of Canada's relations with China.

Global governance, wherever we pursue collaboration on climate matters, conflict resolution, or development, still depends on China's commitment to the rule of law in treaty compliance. Canada-China legal co-operation on things such as enforcement of arbitral awards, extradition, and so on still depend on China's commitments with regard to its own legal behaviour, whether on death penalty procedures or other criminal procedures. Here again, the absence of the rule of law impinges upon that.

Another example is cultural and educational exchanges. University links, for example, or cultural links and performances and so on, depend similarly on adherence to the rule of law, which we have not seen in China, seeing rather adherence to party fealty—party whim, if you will.

Finally, trade relations are absolutely affected. We've seen in the last eight months or so refusal to accept notions of progressive trade policy; that was last December. We've seen more recently, in April, the absolute rejection of labour provisions in a free trade agreement. We see these further examples in the international realm of China's approach to law as being nothing more than an instrument for carrying out party purposes. This tells you how the regime will consider legal standards with regard to institutions and personnel in its relations with Canada. It's not simply a domestic issue.

I'd like to take half a minute to ask what we do about this. It's a difficult situation. I think what I presented this morning is by no means parochial or one-sided; I think it's pretty well established and documented by me and by many other people.

● (1540)

Non-engagement is just not an option. China is China. China is important; its economy is huge; its reach is significant.

I would counsel what I counsel clients who are working in China, which is first, patience: patience on concluding transactions and treaties. Consider whose interest is being served and why the rush. Be patient to allow for situations in China to evolve and perhaps improve.

Then, preparation: know the rules. For example, when Xi Jingping, at the Boao conference not long ago, talked about protecting the legal rights of foreign investors, we may be comforted by that reference to legal rights but it's incumbent on us to understand what it actually means in a Chinese context, and it means something very different from what it means in ours. It means whatever the party wants it to mean.

Then finally is perseverance. Things change, things develop, things can get better, things can get worse, and so on, and so it's to persevere with our commitment to engagement with China but subject it to what I would call consistent and polite firmness in our engagement—purposeful ambiguity, finessing of issues, and so on.

I would say, then, that engaging with China, which has largely abandoned a rule of law as that concept is understood by us in the West, requires patience, preparation, and perseverance, and I hope that those will allow us to engage with this very difficult party on the other side of the Pacific.

Thank you very much.

The Chair: Thank you, Professor Potter.

We'll now go to Professor Evans, please.

Prof. Paul Evans (Professor, School of Public Policy and Global Affairs, Director Emeritus and Interim Director, Institute of Asian Research, UBC, As an Individual): Thank you very much.

Thank you for the opportunity to speak to the committee as you continue your deliberations and as you get ready for a trip to Korea, Japan, and the Philippines.

I'm going to take a slightly different cut into the matter of Canada's engagement, by moving it from some of our bilateral issues alone into the context of the changing geostrategic context. I think we're in a moment where this is not business as usual in Asia and Asia-Pacific. It is a moment of power shift. It's a moment of strategic turbulence, uncertainties about some of the premises of a regional order that have largely been in place for two or three generations.

Let me talk about two disturbing factors, or two factors that are shaking the situation up, a little bit about Asian reactions, and prescriptions then for Canada. The key point, and I agree with Professor Potter, is that we are now dealing with Xi Jinping's China, which is on a somewhat different trajectory than the People's Republic as we saw it in the Deng Xiaoping era.

This is a new era with new characteristics, not just in terms of the scale, size, and ambition of many of the economic projects, the growth figures—that's something I'm sure the committee is very familiar with—but I think there are a couple of other things in play in Xi Jinping's era. One of those is domestic repression. China is not moving forward on political and human rights. There is every sign that in fact it is tightening. This represents the party strengthening its control, not only over Chinese citizens but also over the state apparatus itself, the government.

Related is that we have a more assertive China internationally, in its region, but also globally. Chinese diplomacy is more self-confident and moving in forceful ways. I don't mean militarily forceful, but in some new ways to define and defend its core interests. I think a phrase we can accurately now use is that China, in many ways, is behaving like a great power. It might have some distinctive characteristics to what a great power is, but its intentions, its role, are changing.

At the same time, China is also becoming a key global player. In the issues we are all facing— climate change, peacekeeping, from a Canadian side, counterterrorism—the new era of Xi Jinping's China involves a bigger global role. I think we have to, as a result, see areas within that where we have common interests and concerns.

I take a little more positive view of Xi Jinping's China on its compliance with treaties and activities that it has already agreed to. It is not perfect, but superpowers rarely are.

We're dealing with a new China, but we all have to see that we're also dealing with a new United States. Asians certainly realize that. The unpredictability of Donald Trump's "America first" is shaking the region. While the United States continues strong and visible support for its alliances and its military role, it is inconsistent on trade policy; it is inconsistent on what it is promoting in terms of human rights and democratic governance principles. It has negative and very little support for multilateral institutions in the region.

I think, more importantly, there is deep doubt about the future of American leadership in the region. America isn't disappearing from Asia, but it seems to be positioned in a spot that is now contested for primacy—contested by China—and is deeply disturbing and shaking its friends, allies, and opponents in the region, not just because of Donald Trump, but because of a feeling that America may be stepping back irreversibly from the kinds of roles it has played in the past.

● (1545)

America isn't disappearing, but America is not going to play the primary role going forward.

The reactions to those twin forces are much bigger than Asia, but in Asia—as you'll be seeing—there is an arms buildup under way. Most countries are increasing their defence spending considerably. There is a repositioning—not the abandonment of alliances, but a reshaping of those alliances and a starting to hedge on different futures in which China is going to be more important.

Also, there is deeper economic integration and connectivity. It's been fascinating how Asian countries—most of them—have been pushing very hard in recent months for new kinds of multilateral trade agreements. Japan's interest in the trans-Pacific partnership is just one indicator of that, as is the intensification in the intra-Asian projects.

I would say that in general terms the Asian reactions to this changing geostrategic setting are a fear of further deterioration in U.S.-China relations. Those countries don't want to have to make a China choice any more than Australia or Canada does. However, in general there is a view that history is tilting against the United States and toward China in power terms, at least in this chapter, and that is causing a lot of rethinking.

On perceptions of Canada, I'd suggest that we are mainly seen by almost all of the key players in Asia as reactive, on the sidelines, playing on the margins. We garner very little attention, except in occasional negativity. In east Asia and Southeast Asia, I am asked over and over again what Canada thinks, what its interests are, and what its strategy is in this new "business not as normal" environment.

Let me conclude with three suggestions for how we start answering some of those questions, and your investigations can be a part of this.

First, we need an Asia strategy, and China has to be the central component of that Asia strategy. We need to work with ASEAN and fellow middle powers in trying to reassert and strengthen, wherever we can, multilateralism and the elements of rule of law, as we see them, taking into account what "rule of law" means—as Professor Potter mentions—but also how we're going to have to make some adjustments and accommodation to a new balance of forces. In terms of our bilateral relationship with China, our government is going to have to create a new narrative of living with China, rather than expecting to change China or thinking that economic openness will produce political liberalization. China, for the moment—and likely into the future—is on a different path.

With China we have to find out how to co-operate where we can and must on common global issues. On peacekeeping, climate change, and a range of other things, we have no option except to try to work with China, and on balance they can be a constructive force.

Part of an Asia strategy is deeper commercial relations along the lines we have been discussing with other witnesses.

I want to add another element, and that is providing new assurances to Canada and Canadians about the protection of our values, institutions, and strategic industries at home. China is a global player. It is on our doorsteps in ways that are positive in many respects, but we're facing some new threats. Public opinion polling we've been doing recently sees these concerns about Canadian values and institutions being challenged by elements of Chinese power. It's something Canadians know. When we look at takeovers of Canadian companies, acquisitions, and investments, I think we have to be able to give new assurances to Canadians that these things are in our interests.

A second general prescription is to double down on bilateral and multilateral FTAs. We do it not only because there will be an immediate commercial value to the country but also because we have to be part of the new intra-Asian game that is unfolding. That is going to involve the trans-Pacific partnership and, I think, framing our progressive agenda with a little bit more precision than we have so far, and in attractive ways, on matters including labour and gender.

● (1550)

Finally, let me speak about opening North Korea. You're going at an extraordinary moment. For the first time in a generation there may be an open window for Canada to reintroduce itself into northeast Asian questions, and not just around maximization of pressure on North Korea, or diplomacy. We may have an opening to deepen humanitarian assistance, educational exchanges, and capacity building in North Korea.

We're not there yet; the moment is not right for us to introduce specific actions. Your committee, however, could in Korea come up with some very useful ideas, when that sun shines a little bit brighter, on what we can do, and start preparing for it now.

Thank you.

The Chair: Thank you, Professor Evans.

Now we'll go to Professor Burton, please.

Dr. Charles Burton (Associate Professor, Department of Political Science, Brock University, As an Individual): Thank you very much for inviting me today as you prepare the second half of your fact-finding mission in support of your study of Canada's engagement in Asia.

My main area of focus in political science is Canada-China relations. I've also published studies on the domestic and foreign policies of China and North Korea, and I served twice at the Canadian embassy in Beijing.

With so much going on between China and the United States and North Korea in recent weeks, the timing of your mission comes on the cusp of what could be game-changing transformation of the geostrategic dynamic of the North Asia region. This potentially has very far-reaching consequences for the domestic and international politics of our allies Japan, South Korea, and the Philippines.

I have two points.

The first point is that the ongoing successive imposition of tariffs and other restrictive measures on China by the Government of the United States is eliciting accelerating reciprocal responses by the Government of the People's Republic of China that will likely prove disruptive to the global economy and to us. This trade dispute, I would say, has at its source much more fundamental concerns about the incompatibility of China's political economy and global ambitions with those of Canada and like-minded nations, including today's Japan and South Korea. That's to say that Canada adheres to the principles of liberal democracy, principles that we as Canadians maintain have universal meaning as the rights entitled to all people everywhere. These liberal democratic principles inform the domestic and international institutions that shape Canada's politics and foreign policy.

Unfortunately, as the two previous speakers alluded to, in recent years the current Government of China has explicitly rejected liberal democratic ideals as unsuited to China. China maintains that these are not universal values, but rather that liberal democracy is at odds with its interpretation of Chinese history and culture, and that the west uses liberal democratic discourse and the institutions that we've developed to support a liberal global order to challenge China's rise to power.

China is confident that the U.S.-led alliance that is so central to Canada, Japan, and South Korea's international identity is heading to collapse and that China will eventually emerge as the new global hegemon. Indeed, China proposes a new global order under China's own rubric called "a community of common destiny for mankind". China's president has put forward that this "community of common destiny for mankind" is a new type of international relations. The Chinese Communist Party's newspaper, the *People's Daily*, says that the "community of common destiny for mankind" framework is superior to western mainstream international relations theory, pushing China to become the world's unassailable economic and cultural leader by the year 2050.

As you pointed out, human rights and multilateral co-operation have no part in the Chinese president's plans for world dominance. The incompatibility of China's political economy and global ambitions with those of Canada and like-minded nations, including Japan and South Korea, expresses itself in China's relations with Canada, South Korea, and Japan today. Certainly, there are a lot of things about China that we're unhappy about. There are the Chinese state firms purloining Canadian intellectual property through cyber-espionage and the transfer of Canadian-developed technologies by theft or coercion. There is the Chinese lack of respect for the fair play trade reciprocity of the WTO by its imposition of tariff and non-tariff barriers, including arbitrary imposition of restrictive regulations and taxes to inhibit foreign competition in the Chinese market. These are all concerns that are shared by Canada, South Korea, the Philippines, and Japan.

The Chinese government's attempts to influence foreign policy-makers through covert, coercive, or corrupt means are also an increasing concern of these four governments.

● (1555)

The question is, to what extent can China be expected to respond to the U.S.'s successive application of economic pressure and end its unfair trade and investment practices and the use of Chinese state firms to achieve China's larger longer-term foreign policy ambitions?

For your upcoming mission to Japan, the Republic of Korea, and the Philippines, an issue to explore would be, if the trade war between China and the United States intensifies, can Canada coordinate our policy response with Korea, Japan, and the Philippines? If there is consensus on a coordinated and effective response by us and our like-minded allies, what form should this response take?

My second point is shorter. The governments of the United States and South Korea are now simultaneously diplomatically engaging the Government of North Korea with a renewed vigour that holds forth the prospect of a formal end to the Korean War, of which Canada is a party, as you know, and the possibility of normalization of diplomatic relations between North Korea and the United States.

Where this will lead is uncertain. If Mr. Trump were to meet with Kim Jong-un, the Korean dictator, and the negotiations fail, what is the next diplomatic option if the top guys have already decided it's not working?

If this process leads to a rapprochement of some kind, it opens the question of how Canada should respond. We already have diplomatic relations with North Korea, but presently we have no embassy in that country, or programming in North Korea. Our interests are represented by the Swedish embassy in Pyongyang. Under what conditions would Canada send an ambassador to North Korea? What sort of developmental aid program would we initiate in that impoverished regime if the United States becomes active in North Korea, the war ends, and Canada feels that we should fulfill our Canadian foreign policy objectives there?

The reconstruction of North Korea, which today is largely a devastated country, has enormous potential for Canadian trade and investment and business. As Canadians, we would also hope to engage in good governance, human rights, and democratic development programming there, identifying potential agents of democratic political change, assisting to strengthen the rule of law, and so on.

Here again, strong coordination between Canada, South Korea, and Japan on how we should respond to and support the current initiatives to engage with North Korea, now and for future political and economic engagement of North Korea, would be something important to explore in the course of your mission to Korea, Japan, and the Philippines.

Bon voyage. I very much look forward to reading the report of your findings after you return to Canada.

Thank you.

● (1600)

The Chair: Thank you very much, Professor Burton.

Colleagues, we have half an hour, so we will try to keep it as tight as we can.

Will will go right to Mr. O'Toole.

Hon. Erin O'Toole (Durham, CPC): Thank you, Mr. Chair.

I would also like to thank all of our witnesses.

Certainly our engagement with Asia is the study, and it's more than just China. However, for the purposes of my questions today, and your testimony, I'm going to focus on a couple of issues that are germane to the debate about our important but evolving economic relationship with China.

Professor Potter, your overview of supremacy of party dominance and the submission to party, as you said, and in recent years with those cells and units expanding into non-state enterprises.... Has that expansion—including with language coming out of the 19th people congress—extended the party's control into state-owned enterprises? Do you see that as a continued growth for the party's influence within those enterprises?

Dr. Pitman Potter: The short answer is yes. It's a bit more complicated, in the sense that the presence of a party's cell, the so-called party unit, within an enterprise, doesn't necessarily mean that the enterprise is directed to follow party edicts in every single thing it does. In other words, many enterprises are driven by some sensitivity to market conditions, for example, and whatnot.

That party cell, first of all, enables the party, when it chooses, to direct the activity of that firm. This is, to my mind, one of the examples of where the lack of rule of law is so important to Canada. Other people may have different views, but in my view what the legal system is all about is lending predictability to a whole range of economic, social, political activities.

If you don't have a reliable set of standards, i.e., legal standards or the rule of law, then that predictability is absent. So with respect to the role of party cells in companies, the absence of transparency, accountability, and predictability, i.e., the absence of law, makes it very difficult for us to plan how these firms will behave. That's because of the likelihood, in light of past history, that the party at some point will intervene and say to a firm we need you to do this, whether it's a hiring decision, a business expansion decision, an investment decision. With all of those, we have difficulty predicting and therefore difficulty preparing for them, because of the very absence of a legal framework.

● (1605)

Hon. Erin O'Toole: Recently, the Chinese ambassador suggested that some people in Canada think that Chinese state-owned enterprises are "monsters". That's his quote. I certainly don't think they're monsters, but I think a lot of Canadians have questions like this. It would be absolutely foreign for us to suggest that the Canadian government or the Conservative Party or the Liberal Party would have a presence within some of our large enterprises. We have a transaction right now under consideration where one unit of CCCI, or China Communications Construction, is looking to acquire a controlling interest in Aecon, a large and successful Canadian construction company, but another subsidiary of that same SOE is constructing in the South China Sea islands, disrupting trade routes and stability in the region.

I'd like all of you to comment on how we try to recognize that China will have an increasingly important role in the world, in our trade relationships, but its unwillingness to reform and treat these as true, independent multinational corporations will cause pause for countries like Canada when security considerations are at issue.

I would like all three of you to comment.

The Chair: Mr. Potter, please.

Dr. Pitman Potter: I'll say that I agree with what Professor Evans said, that we're not going to change how China behaves, but we can control how we react.

When China wants us to drink the Kool-Aid and pretend that these firms are completely unrelated to the government and completely independent, I would think that would be a betrayal of our own common sense and our own interests.

We should be a little more hesitant, I think, to subscribe to the Chinese version of things, but at the same time we should be at all times looking after what is in Canada's interests. If an acquisition is in Canada's interest, that should be the dominant feature of it, taking into account the possibility or even the likelihood of there being connections between that firm and the party.

I would say that many people involved in Chinese businesses abroad are either existing party members or party members who have been granted a temporary leave, with the expectation that they will at some point return and recall that all party members are required under the Chinese party constitution to put the interest of the party above all. I think we have to expect that as a matter of realism.

Hon. Erin O'Toole: Professor Burton.

Dr. Charles Burton: I think when we look at the state-owned enterprises, we see they are able to draw on all of the resources of the state in terms of fulfilling their competitive goals, and they also are required to implement the purposes of the state in their behaviour. For example, CSE does not help BlackBerry find a competitive bid with Samsung or something like that. We don't provide that sort of service as the government to our Canadian champion firms, but China does because there's no difference between the state enterprise and the state.

I think, with regard to Aecon, recently the African Union has been upset that a building, their headquarters that was donated to them by the Chinese government, was found to have bugs in the walls and the computer server was apparently every night sending the data to Shanghai, so we hear. One could wonder if a Chinese construction firm has information about critical infrastructure, such as the Aecon bid on the Gordie Howe bridge between Windsor and Detroit and the contract to maintain that bridge. One would naturally expect that information such as they're able to derive about this critical infrastructure—whether directly in the course of their work or as a result of their having persons in Aecon who do not deal with concrete but deal with cyber-espionage or these kinds of things—will serve the interests of the Chinese state, because that's what a Chinese state firm does.

The career pattern is—

The Chair: Professor Burton, you'll have to leave it there, so we can stay on time.

I'll go to Mr. Levitt. I'm sure you can build that into your answer in a few other questions.

Mr. Levitt.

Mr. Michael Levitt (York Centre, Lib.): Thank you, Mr. Chair.

Mr. Burton, I wanted to start with you because you got me interested with your comments about opportunities for Canada in North Korea, should things proceed down a path of there being an opening in relations. I'm wondering if you can talk a little bit about what you think those opportunities might look like for Canada and where you see this situation going in terms of the American engagement, South Korea's role, and how that plays with China too, because obviously it's got a large vested interest in what's going to happen in any negotiation between the South Koreans, Americans, and North Korea.

● (1610)

Dr. Charles Burton: I think in the past, you know—

Mr. Michael Levitt: Sorry, I actually meant Mr. Potter, because he raised it, and then we'll come to you.

Mr. Potter.

Dr. Pitman Potter: I'm sorry, I don't recall talking about Korea. I think Paul Evans and—

Mr. Michael Levitt: We'll try that one more time. I can't be wrong this time. It was Mr. Evans.

Prof. Paul Evans: I think you're right. All UBC professors essentially look alike.

Voices: Oh, oh!

Mr. Michael Levitt: I got two wrong, my goodness.

Prof. Paul Evans: I had the opportunity to organize 29 meetings with North Koreans between 1990 and 2002, and I visited North Korea many times. I think where Professor Burton and I do agree is that we may be on the cusp of a moment when we can do some things.

I think that we have some humanitarian kinds of projects. We're pretty good at teaching languages and having educational exchanges. We have an exchange program at the University of British Columbia now. Those little windows that we have can be opened, but the more important question to consider, as we did in Canada in 2005 at an earlier moment, is to look at what kinds of development programs and what kind of assistance and capacity building to North Korea would be right as we try to open its economy.

Our purpose is not to prop up that regime but to open up that regime. We had some experience in that, but we have not been in the game for 13 years. Previously, we organized international meetings, including representatives from the IMF and World Bank, about how to structure the coordination among aid agencies as the scramble for North Korea occurs, if it does occur.

I think that in a middle power role, what we can do in a constructive way in northeast Asia.... Maybe we have a moment where we can do something again, in part based on instruments that we had in place 15 years ago.

Mr. Michael Levitt: Thank you very much.

Would either of the other two gentlemen like to comment on that?

Dr. Charles Burton: I really am not too confident that we can come to terms with North Korea through negotiations, as they have a consistent record of not fulfilling commitments that they make in the course of these negotiations, typically with regard to denuclearization in exchange for economic aid of different types.

That being said, when you have a president like Mr. Trump, it's always a surprise, and perhaps he would surprise us in a positive way and resolve an issue that has not been resolved by Presidents Clinton, Bush, or Obama. An issue that presents an increasing threat to us, particularly if North Korea is able to convincingly demonstrate the ability to hit a U.S. city with a nuclear device, is that it would cause South Korea and Japan to question whether the U.S. would genuinely fulfill its commitment to defend them in case of attack.

In terms of development, I think ultimately the only route to go with regard to resolving the crisis on the Korean peninsula is reunification, but reunification of North and South Korea would be a lot more challenging than that of East and West Germany, because East Germany was smaller in terms of population compared to West Germany, and the economies were not as diverse. After so many years, there doesn't seem to be a great interest in South Korea to make the enormous economic sacrifice necessary to develop that area.

But, you know, there are the areas that Canada is strong in: mining, agriculture, and food security. There's development of basic infrastructure like port facilities. North Korea is available for us, the Chinese, and all nations of the world to get in there and create economic activity to the benefit of all.

Mr. Michael Levitt: Thank you.

Mr. Potter, I want to talk a little bit about human rights in China and Canada, given that this a priority and a value that we hold dear. I also want to talk about the challenges of being able to move forward with trade and other discussions while also having to deal with some of these issues around human rights.

We travelled to China, and it's a difficult conversation to have, because while we want to talk about freedom of religion, freedom of expression, and other fundamental universal human rights and freedoms, they come back to, "But we brought hundreds of millions of people out of poverty, we're putting a roof over their heads". It's very different. They define things economically rather than in terms of what we consider human rights.

What do you feel? How can we gain ground on being able to advance a human rights agenda while also making sure that we're able to enter into trade relationships, expand trade relationships, and deal with the fundamental reality that this country is growing in its significance, and the region is growing?

● (1615)

Dr. Pitman Potter: Of course that's one of the great dilemmas we struggle with. People may be aware that four years ago or so I chaired a task force on integrating human rights in Canada's trade policy in Asia. That was published by the Asia Pacific Foundation. In it, we took the position—and I have taken it many times since—that the integration of human rights and trade policy is not only doable, but necessary. When we talk about human rights, it's not simply about civil and political rights. It also involves economic rights, rights in property, rights in ideas, and so on.

Part of the issue is really to have an expansive perspective on human rights and to encourage the Chinese not to think of human rights as a threat or a call for political reform, but rather as a recognition of internationally accepted standards for treating the citizens of a country.

I hasten to add that China is a signatory to the International Covenant on Civil and Political Rights and has ratified the International Covenant on Economic, Social and Cultural Rights. Many of the obligations raised by human rights groups are not, as the ambassador tried to suggest a week or so ago, about transplanting Canadian rules into China. They are about asking China to honour the commitments it has already made to international law standards.

Part of the way to do that is to try to de-escalate concern that human rights are a ruse for challenging party rule. Party rule is going to stay there, and there's not much we can do about it. At the same time, we can articulate ways of linking trade positions on things like transparency, subsidies, and non-discrimination to issues of labour rights, environment, and so on, which can make a meaningful difference. It's really a question of picking the issues, finding opportunities for overlap between trade priorities and human rights priorities, and de-escalating the sensitivity of the terminology.

The last thing I would say is that the Chinese government did not lift 800 million people out of poverty. The Chinese people lifted themselves out of poverty as soon as the government got out of the way.

The Chair: Thank you, Mr. Potter.

[*Translation*]

We'll now go to Ms. Laverdière, please.

Ms. Hélène Laverdière (Laurier—Sainte-Marie, NDP): Thank you very much, Mr. Chair.

My thanks to all three for your presentations today.

Mr. Burton briefly addressed the meeting between Kim Jong-un and President Trump. I would like to hear the views of all three of you on the dangers of such a meeting, of course, but also on the opportunities it presents and the sorts of issues that should be brought to the table. Given the leadership styles of those two men, what sense of security could we have, even if there is a positive outcome?

Thank you very much. *Xièxie*.

[*English*]

Dr. Charles Burton: Normally one would expect, as Madam Laverdière knows so well having had a career in the foreign service, that any meeting between two leaders of nations would not be spontaneous. We'd already know the people at the lower levels, and we would already have worked out what the two leaders will essentially agree to and discuss.

Mr. Trump doesn't seem to have a great deal of confidence in his current state department, and one has the impression that he might go into a meeting with Mr. Kim without a notion of how this is going to play out. This strikes me as extremely dangerous in terms of the consequences, because if there's a diplomatic failure and the people at the top fail, that's the end of diplomatic process. The next step is Mr. Bolton suggesting, as he has already done in writing, that the American interest is key. He says that if a nation is threatening the United States, the United States has a requirement to act militarily to remove that threat, regardless of the consequences. Any military action by the United States in North Korea would have consequences that I don't even want to think about. It's too devastating for the people in North Korea, South Korea, and all around.

From that point of view, it's a great concern. I cannot imagine the North Korean regime sincerely agreeing to remove its nuclear threat, nor can I see us giving a security assurance to that regime, because it is so unbelievably appalling in the way it treats its own people, and in terms of food security and repressiveness. Even if we gave them an assurance, could we in good conscience simply allow that regime to continue as it has, as one of the most repressive, dangerous, and failed regimes currently on the planet?

For all these reasons, I'm not able to see a way forward that would lead to a happy resolution, except, as I said, for the possibility of reunification of North Korea and South Korea.

● (1620)

Dr. Pitman Potter: I would just say two things.

One is—and I defer to my colleagues in terms of more specialized knowledge—that the developments in this conversation on U.S.-Korea so far underscore the point I made earlier about the importance of preparation. The example I would give is the language around "denuclearization of the peninsula". That term means something very different to Kim Jong-un than it does to Donald Trump.

It is important, in preparing for senior-level meetings, to have staff-work that goes into clarifying terms, so that we're talking about the same thing. Then we can make decisions on purposeful ambiguity and all the rest of it. Therefore, the lack of staff-work on that could lead to a dangerous possibility of a breakdown in the meeting, because what Kim Jong-un thinks is denuclearization of the peninsula involves at least the withdrawal of U.S. nuclear capacity, whereas the U.S. position has been thinking about it purely in terms of North Korea. That would be, as Charles indicates, quite dangerous. It's important, then, when we have these terms, that we use the local meaning, that we understand that meaning, and that we understand that it's not our meaning.

The second point is that the North Korea matter has to be seen in the context of Iran. I think President Trump's comments just this morning on Iran are probably giving people in Korea pause, in terms of how reliable a partner they think the United States will be. We could talk about Korea, but the behaviour of the United States toward Iran is one that has given pause.

I think those are two factors that should be borne in mind, but I defer to my colleagues.

The Chair: Professor Evans.

Prof. Paul Evans: If I could just add one comment on this: I hope what can come out of it is a "cap and freeze" arrangement, and ambiguity about what "denuclearization" actually will mean.

The dark element of this story is that to settle the nuclear and the missile issue, we are going to have to give assurances to a regime that is extraordinarily distasteful. Can that bargain be sustained in the United States, in future? Boy, there are a lot of reasons to think not. I'm afraid that Professor Burton's idea—that our distaste for that government is not enough for us to not deal with the immediate danger and threat, which is the nuclear program—will at least get us over this particular hurdle and into deep negotiations and then into the "cap and freeze".

We're going to have to swallow something very hard, then, to work with that government and hope that over time openness will be the best way of dealing with its development issues and ultimate denuclearization. Although, maybe it will be at the same time that the United States decides to denuclearize itself, that the North Koreans will be willing to do that as well.

The Chair: Thank you.

Colleagues, we're going to have to wrap it up and leave it there.

I want to thank Professors Burton, Potter, and Evans for their presentations. The information is very useful to something that's been a theme in this committee on Asia, which is that there needs to be a strategy. I must have heard that 10 times now. I'm going to have to find a definition for what people are saying should be the strategy, because it suggests that we are sort of disconnected completely from this particular part of the world—both our government and the previous government. We're going to have to explore that a little more as we make recommendations to the government.

Thank you very much for your comments.

Colleagues, I'm going to take a couple of minutes of suspension, and then we'll go right to the next group of witnesses for our committee.

● _____ (Pause) _____

●

● (1630)

The Chair: Colleagues, let's try to keep on time, because we have a few minutes of work. I understand that Madam Laverdière wants to move some motion, or that there's some discussion she wants to have.

We'll bring this meeting back to order. In front of us today is David Matas, as an individual. As well, we have Ngodup Tsering from the Office of Tibet and Yonglin Chen, who is the former diplomat, People's Republic of China.

We're going to start with the representative from the Office of Tibet, Ngodup Tsering.

I just want to remind the witnesses to try to stick to the time, as hard as it is. I would appreciate if we do stick close to eight minutes; otherwise, we get virtually no time for questions, which is a little frustrating for members of Parliament.

I'm going to turn the floor over to Mr. Tsering and start with his presentation. The floor is yours.

Mr. Ngodup Tsering (Representative, Office of Tibet): Thank you, honourable members.

I'm here to speak about the human rights situation in Tibet. As all of you know, there have been 152 cases of self-immolation so far, which is the only evidence that speaks to the situation in Tibet itself. No one really wants to self-immolate, but it's not the number—152—it's the people who are self-immolating. That speaks to the dire situation in Tibet in everything: human rights, including religious freedom and access, movement, and daily life inside Tibet.

Tibet has become a police state. Literally, there have been restrictions on everything, including Tibetan language. Although you'll find all these ethnic minority rights and freedoms in the Chinese constitution, but actually there's been nothing lately, if you talk about freedom for the Tibetan language and religious freedom. Leading up to March 10, 2018, the Chinese government announced 22 points; three were considered reactionary. One is that speaking your mother tongue is an important way of keeping your identity, and another is about the middle way approach.

One person who spoke about the Tibetan language situation, Mr. Tashi Wangchuk, is still under detention. Some court cases were done in January 2018, but the verdict is still not issued. Arbitrary cases of arrest, torture, and detention are rampant. One person, Dhondup Wangchen, was captured by the Chinese government for making a film *Leaving Fear Behind* during the Olympic Games and imprisoned for six years. Recently he was able to escape from mainland China and Tibet, and he's now based in the San Francisco Bay area. According to him, the situation in prison is horrible and political prisoners are tortured a great deal. He is now with his family members, but he undergoes trauma every now and then.

As for the religious situation, a lot of people know about the Yarchen Gar, Larung Gar cases where there's a huge destruction of the monasteries. Almost 50% of the monasteries have been destroyed. Before there were more than 4,800. More than 4,500 monks and nuns having been expelled from Larung and Yarchen Gar because they do not want them to continue in the monastery. When the monks and nuns were expelled, they were even told to sign a bond that says they will not come back to the monastery. That is the dire situation inside Tibet.

Also now, as we all know, any religious institution—a monastery, temple, or church—is normally governed by the people in the religious order, but Yarchen Gar is now managed by 200 Chinese of the party cadre, who do not believe in religion and know nothing about what is being taught in the monastery. Now it's totally under the Chinese persons, the party persons, which is unacceptable.

● (1635)

Therefore, the situation in Tibet is terrible right now. It's dire and needs immediate help. In fact, the Freedom House has said that Tibet, in terms of freedom, is second to Syria. The *Washington Post* recently mentioned that Tibet is more difficult in terms of access for journalists than North Korea.

Gentlemen, that sums up the situation in Tibet.

Thank you.

The Vice-Chair (Hon. Erin O'Toole): Thank you very much.

Mr. Yonglin Chen, please.

Mr. Yonglin Chen (Former diplomat, People's Republic of China, As an Individual): Mr. Chairman and members, I'm honoured to be here.

I was a career diplomat of the People's Republic of China from August 1991 to May 2005. I used to work at the Department of North American and Oceanian Affairs. For some period of time, I was working as a desk officer for the Canadian and South Pacific Affairs.

I've been posted to the Republic of Fiji, and also to Sydney, Australia. I left the Chinese consulate in Sydney on May 26, 2005. At that time, I was first secretary. I was granted a protection visa on July 8, and I am now an Australian citizen. I present this testimony according to my personal experience as a Chinese diplomat and my knowledge about Chinese diplomacy.

Chinese diplomacy is an extension of the country's domestic political agenda. It is fair to say that politics, more than anything else, dictates the way in which Chinese authorities conduct diplomatic affairs.

The communist ideology has never ceased to play a crucial role in Chinese education. The school textbooks are heavily censored to ensure that views praise the Chinese Communist Party. The Chinese community organizations, such as Young Pioneers, the communist youth group, and their propaganda, are everywhere in the daily lives of the mainland Chinese.

Following the Tiananmen crackdown in 1989, and a brief diplomatic and economic sanction against China prior to 1992, there was a passionate discussion in the Chinese ministry of foreign affairs that there be a window of opportunity of over 20 to 30 years of economic growth for China.

● (1640)

The Vice-Chair (Hon. Erin O'Toole): Mr. Chen, my apologies, may I interrupt for one moment?

Mr. Yonglin Chen: Yes.

The Vice-Chair (Hon. Erin O'Toole): Our translation team is having difficulty providing simultaneous translation. As you know, Canada is a country with two official languages. I think because of the Internet connection, they're having trouble providing translation into French.

I'm wondering whether on your end, you could be closer to the microphone and perhaps slow down. We're trying to make sure that we meet our official languages requirements. I think it's a problem because of the Internet-based quality of the communications. It's certainly not the subject matter.

Mr. Yonglin Chen: At that time, the Chinese leaders decided to stick to Deng Xiaoping's 16-character strategy, which means "hiding our capacities and biding our time". That strategy lasted until Xi Jinping took power in 2012. He gradually adjusted the strategy to "be proactive and aggressive, strive for achievements". China is becoming more and more aggressive now.

The Vice-Chair (Hon. Erin O'Toole): Mr. Chen, I'll get you to stop there for a moment with my apologies again.

Thank you. That's slightly better. If you can be slower and louder, I think the translators will appreciate that. We will extend your time a little bit, if we can, in order for you to slow down and be as loud as you can for our translation team.

Mr. Yonglin Chen: Okay, great. Thank you.

In Xi Jinping's initiation of a "China dream", 2049 will be the year China will rise to the status of a superpower, so China's ambition is to become the world's superpower in 2045.

In the last 25 years, the Chinese authority has silently infiltrated major Western democracies, including Australia, Canada, and the U. S. Australia has been a testing ground for China's soft power, which has proved a great success. The evidence of China's massive infiltration into Australia has been presented in the book called, *Silent Invasion: China's Influence in Australia*, written by Professor Clive Hamilton, who interviewed me prior to its writing. It is almost too late for Australia to defend itself against China's interference, given the difficulty the Australian government has experienced recently in introducing legislation on the foreign influence transparency scheme.

In the eyes of the Chinese authority, Canada has a similar position to Australia. The only difference would be the geographical difference. Both countries are seen as a weak link in Western democracy where China can snatch high tech and exert influence. Both are rich in natural resources, and both have a huge immigration intake and implement a firm multicultural policy and anti-discrimination laws. Canada's mineral resources, energy, timber, medicine, high tech, and nuclear power technology are badly needed in China. When the U.S. imposes any restriction on high-tech export to China, Canada is the alternative source of supply.

China has exercised its overall diplomacy on Canada since the 1989 Tiananmen for democracy movement, and Canada has played a big role in China's global strategy. Canada was the first Western country to decouple its human rights policy from its trade policy, and the breakthrough instrumentally helped China to secure MFN status from the U.S. Of course, the appeasement of Western countries has helped China join the WTO without completely fulfilling its obligations. That enables China's economy to really benefit from free trade without making the slightest move towards democracy.

● (1645)

The Vice-Chair (Hon. Erin O'Toole): Thank you very much, Mr. Chen.

I'm sorry for the difficulties we had with the audio connection, but we received your testimony to the committee. We will have that translated and distributed to all members of the committee with our thanks.

Now we have Mr. Matas, please.

Mr. David Matas (As an Individual): Thank you for inviting me.

On the general subject of Canada's engagement in Asia, I want to focus on something specific, Canada's engagement with China. Even within that subject, I want to address something particular—the form engagement by Canada with China should take in light of the evidence of organ transplant abuse in China.

I know some of you are familiar with that evidence, but allow me to say a few words. David Kilgour and I concluded almost 12 years ago that the bulk of organs for transplant in China were being sourced from practitioners of the spiritually based set of exercises, Falun Gong, a Chinese equivalent of yoga. The Falun Gong practitioners were killed through organ extraction and their bodies cremated.

Since we released our report, the evidence has accumulated, and other researchers have engaged the issue. Ethan Gutmann, a journalist who wrote a book on that subject, David Kilgour, and I concluded in a joint update to our work released in June 2016 that the volume of transplants in China was up to 100,000 a year and that the bulk of the sources were prisoners of conscience: Tibetans, Uyghurs, house Christians—mostly Eastern Lightning—and practitioners of Falun Gong. The abuse is a black market with an unusual feature. It is institutionalized, state run.

The evidence of this abuse by now is overwhelming—hundreds of pages, thousands of footnotes, several books, the footnotes mostly from Chinese state sources, and several documentaries. No interested researcher who has gone through the material has questioned our conclusions.

The Government of China does not want to talk about this abuse. They respond with bluster and bafflegab. They produce a wide variety of denials and accusations, but do not in reality engage the issue.

The mass killing of prisoners of conscience for their organs cannot just be put to one side. We in Canada cannot say to Chinese officials that we disagree with them about the evidence of the mass killing of innocents for their organs, but let's talk about something else.

Engagement with China calls for engagement on this issue. Engagement on this issue has several facets. Charles Burton, whom you just heard from, has done a study on the futility of the Canada-China bilateral human rights dialogue. Canada needs to return to multilateral institutions to raise human rights issues about China rather than rely on that dialogue.

Your subcommittee on international human rights endorsed a couple of useful statements on this issue in November 2013 and February 2015. The statements addressed engagement in two ways. First, both statements called on medical and scientific professional and regulatory bodies to name, shame, and ostracize individuals, institutions, and their affiliates involved in the forced harvesting and trafficking of human organs. Second, both statements called on the Government of Canada to consider ways to discourage and prevent Canadians from taking part in transplant tourism, where the organs have not been obtained in an ethical, safe, and transparent fashion. I agree with both of these statements, but more needs to be done.

Right now there's an active debate within the international transplant profession about whether to engage or ostracize the Chinese transplant profession in light of the Chinese official opacity about transplantation and the overwhelming evidence of continuing transplant abuse. I support ostracism, as your subcommittee did, because engagement removes the lever of peer pressure, which historically—when there has been ostracism—has had an impact. The Government of Canada should be supporting the voices for ostracism as the subcommittee did.

As for discouraging transplant tourism, the Government of Canada can do a lot more than it has done. It can introduce into Parliament legislation already proposed as private members' bills in different parliaments by Borys Wrzesnewskyj, whom I'm pleased to see here, Irwin Cotler, and Garnett Genuis. That bill would make complicity in organ transplant abuse an extra-territorial crime, ban entry to Canada of those complicit in this abuse, and make reporting to the authorities by health professionals of transplant tourism compulsory.

More generally, the Government of Canada should call on the Government of China to co-operate with an independent, institution-based international investigation on organ transplant abuse in China.

● (1650)

This investigation, were it to take place, must be able to visit businesses and hospitals unannounced and view original prison and hospital files. That sort of request has been made by the United Nations Committee Against Torture, the United States House of Representatives, and the European Parliament. Given the widespread support for this investigation, there's no reason why Canada cannot join the chorus.

One facet of organ transplant abuse in China is the almost complete absence of information about this abuse within China. Engagement with China on this issue cannot be shifted only to health professionals and those engaged with human rights. There should be widespread discussions with Chinese nationals generally on this issue.

Canada can take advantage of engagement with China to break through the shroud that covers this issue. Ultimately, as we've heard, change in China has to come from within China. However, it is impossible to expect to end transplant abuse in China when the only Chinese who know about it are those complicit in it. Engagement is an opportunity to spread the pool of knowledge beyond the perpetrators.

Engagement cannot mean disengagement. We cannot both engage with China and disengage on the issue of Chinese organ transplant abuse. If we are going to engage, we must engage consistently.

Thank you.

The Chair: Thank you very much, Mr. Matas.

Colleagues, I want to remind you that the bells will start at 5:15 p. m. There's a half-hour bell. We'll have to get to the House at some point, so we'll try to manage our time as best we can.

Mr. Genuis, we'll go straight to you. Let's keep it tight at six minutes each. We'll see how far we can get. Then we'll do some business, and then we're going to try to wrap it up so we have time to get the House for the vote, of course.

Mr. Genuis.

Mr. Garnett Genuis (Sherwood Park—Fort Saskatchewan, CPC): Thank you, Mr. Chair.

It's such an honour to pose questions to three, in my view, heroic witnesses.

Mr. Matas, I don't know if you've seen this yet, but for your information, the Senate version of the organ harvesting bill has just passed second reading. We'll be studying it at committee. It's proposed by Senator Ataullahjan, and I believe it's the first time we've seen a bill on this issue pass second reading in either house. I'm very hopeful that we'll be able to see that bill come back to the House of Commons and become law before the next election. I know you have friends in multiple parties—probably in all parties—who are very interested in working on this issue.

I wanted to start my questions with Mr. Chen.

The whole discussion about the influence that China seeks to project in western democracies is fascinating and very important to us. We heard when we were in Asia, particularly from people in Hong Kong, about the activities of the United Front within the Chinese Communist Party. We've had some debate here in Canada about substantial donations coming to political parties and to the Trudeau Foundation, which is named for the current prime minister's father, from people who may have connections with the Chinese Communist Party.

I'm curious for your thoughts, first, on the operations of the United Front and how it is involved in diplomatic activities, and second, on what might be going on when you see very substantial donations to something like the Trudeau Foundation coming from people who have ostensible connections with the Chinese Communist Party.

● (1655)

Mr. Yonglin Chen: China's political infiltration of Canada involves several areas: political infiltration based on the United Front Work Department, the Confucius Institute, and the Chinese Students and Scholars Association. All these infiltrations are based on the communist doctrine of the United Front Work Department to exploit Canadians with Chinese heritage. In China, people believe that money talks.

In Canada's case, former prime minister Pierre Trudeau was considered an old friend of China. I'm not surprised that Prime Minister Justin Trudeau, according to the news reports, admired the basic dictatorship of China. That, I think, is a challenge to the values of mainstream Canadian society, as well as to the Chinese community in Canada.

The Chair: I'm sorry, colleagues and Mr. Chen. We're having real audio problems; our interpreters cannot interpret.

Mr. Genuis, can you move to one of the other witnesses, then, until we see what we can do about that?

My apologies.

Mr. Garnett Genuis: Mr. Chair, I'm going to suggest that we, then, have Mr. Chen back at a later point, once we've resolved those technical issues. I understand the limitations, but I think he's offering some very rare and important testimony. I think it would be worthwhile for us to have him back at a future point for us to be able to pose some of those questions to him.

Mr. Tsering, you talked about the human rights situation impacting Tibet, which is happening within that area occupied by China, obviously. Could you speak a little bit to possible areas of greater Canadian co-operation with the Tibetan government in exile? What is the status of Canada's co-operation on development, on political issues, with the government in exile, and are there areas in which we could recommend that Canada do more, in terms of that relationship?

Mr. Ngodup Tsering: First of all, I'm really grateful to the Government of Canada for helping with the education project for two years, and then there's another project being submitted again because it was greatly needed and helpful for the exiled Tibetan administration to help the children to learn and be proficient in different languages, including their own language.

The project was funded by the Canadian government for two years and at that time I was also privileged to be in charge of the Department of Education. That was before coming over to the Office of Tibet. Yes, there is another proposal pending with our government and we would really appreciate if that could be considered. Many projects that have been initiated during those two years are still halfway through and it'll be extremely important to, at least, get to the end for the trainees who are in between, and the scholarships that the children were given that are in between, and all the textbooks and other things. A lot of those proposals that were in between could be implemented to the full.

Then, of course, what is happening in Tibet, for instance, is that the Tibetan language itself is under great threat, and right now, they are talking about the Tibetan language itself as a reactionary policy and, therefore, it should be reported to the state, which means there is a threat to whoever is speaking about language. The exiled administration is trying very hard to keep the identity through the separate curriculum enriching the learning of Tibetan language in exile. Those are the areas where, I think, the Canadian government can really help the Tibetan exiles also maintain and keep their identity.

● (1700)

The Chair: Thank you.

We'll go to Mr. Wrzesnewskyj, please. There's just one thing before you start.

Colleagues, just so you know, we can't get Mr. Chen, so we could submit questions to him later, but I think the suggestion of Mr. Genuis to have him back when we have a better audio connection would be the better solution because we can't record this, so we'll have to do it. Unfortunately, we won't be able to ask questions to Mr. Chen.

Mr. Borys Wrzesnewskyj (Etobicoke Centre, Lib.): Mr. Chair, what I'll do is this. I will put questions that, I believe, Mr. Chen can just strictly answer yes or no to. I think the translators should be able to differentiate between a yes and a no. I'll keep the questions—

The Chair: I don't think we'll do that, Mr. Wrzesnewskyj. We're going to be fair to all the members; we pretty much cut Mr. Genuis off from his questions. We would prefer to have him back, so could you stick to Mr. Tsering and Mr. Matas, please?

Mr. Borys Wrzesnewskyj: Okay. In that case, I'll turn to Mr. Matas.

Mr. Matas, you and Mr. Kilgour wrote a well-documented exposé that, basically, opened up the cover on what was an incredibly big business operation that involved human body parts and organs in China.

Could you give us an idea of the scale of this operation in terms of human lives lost and also monetary value to the Chinese state? As I understand it, this business was being operated out of largely army-run hospitals.

Mr. David Matas: Of course, the Chinese government doesn't publish statistics about this. It does produce statistics about organ donation volumes, and it does produce statistics about sources, but as far as I can see, they're just made-up figures. They don't match what we're able to determine through research.

We would go to individual hospitals and add up what the hospitals say they're doing in volumes, and it has no correlation with what the Chinese government says are the total volumes. They are continually covering up data streams when we identify them.

Our estimation in the update of June 2016 was that there are about 100,000 transplants a year. We went through a period where it was less, about 60,000, and then it went up to about 100,000. We got those figures in a number of different ways. We were looking, as I said, at hospital websites, but also at hospital newsletters, media reports, the bed counts, and so on.

Mr. Borys Wrzesnewskyj: Because we have limited time, could you provide an approximation of the number of lives lost due to this business, and also just an approximation—I know it's a difficult thing, especially in the environment in which China operates—of the monetary value?

● (1705)

Mr. David Matas: Again, with regard to monetary value, we're dealing with price lists, which at one time were posted, but then were taken down when we quoted them. That was 12 years ago, so the prices, presumably, have gone up since then. There are negotiations now at various hospitals about a price list rather than an official posted price list. My estimate would be around $8 billion a year in terms of total dollar value.

In terms of lives lost, 100,000 is the figure for organs, not people. However, there isn't an effective organ distribution system, and there's a lot of organ wastage in China, so the lives lost would be close to it. They're not all prisoners of conscience. There are other sources, but they're small compared with prisoners of conscience.

Mr. Borys Wrzesnewskyj: Let's make this absolutely clear. There are price lists for human organs and body parts. It's a business operation. They're treating the body parts and organs of human beings like commodities. The price goes up and down, depending on supply, and it gets negotiated.

Mr. David Matas: They have so many prisoners of conscience in arbitrary detention that the supply is infinite. In terms of the way they can operate, the constraints on the system have been beds and staff, but not organ supplies. What you've seen in China since they started sourcing for organs is a building boom in transplant facilities to take advantage of this seemingly inexhaustible supply of organs.

It's true that people are treated.... They are depersonalized and treated as body parts. This is a consequence of the invective, the incitement, the hatred, against these target groups that basically leads the jailers to treat them as non-persons.

Mr. Borys Wrzesnewskyj: Let's follow that train of thought. You have state capitalism, which cannibalizes the body parts of prisoners of conscience and others. That's worth billions of dollars. You have price lists. It's something that just seems so incomprehensible, yet it's clear that this business has been directed by the central authorities. Is that correct or not? Is it at all possible that they would have no idea of this potentially $8-billion business?

Mr. David Matas: No. There's what I would call a lot of "willful blindness".

The voice of the Chinese transplant system in China is Huang Jiefu. There's a transcript of an interview where he says that he once went to see what was going on with this—the sourcing authorities, because the extraction team is different from the insertion team—and he was so disgusted and shocked that he never went back again.

There's a lot of compartmentalization in the transplantation system, so people pretend not to know. However, as far as I'm concerned, they're turning a blind eye to abuse.

Mr. Borys Wrzesnewskyj: I have, perhaps, a final question.

Waiting for organs is emotionally draining. People are desperate. In terms of Canadians who would have engaged in having body parts or organs transplanted in China, are they aware of the fact that other people are paying with their lives? What can we do to raise awareness?

The Chair: Thank you, Mr. Matas. Just hang on to that, because I think we'll have a chance to let you answer that question as we go.

I want to go Ms. Laverdière.

You can re-ask that question if you like. I'm just trying to stick to the time, otherwise we will have to leave.

[*Translation*]

Ms. Hélène Laverdière: Thank you very much, Mr. Chair.

I would first like to thank our three witnesses who came to talk to us about extremely important issues. I think we can also receive additional information in writing. That might be useful. As I was saying, I think these are three extremely important issues.

That being said, and since time is running out, we have to talk about the United Church of Canada's request to meet with this committee on Thursday, along with Michael Lynk, the UN special rapporteur, to talk about what Canada could do to promote peace in the Middle East, which I think is a very important issue. I clearly support the request.

Since time is very short and we have to talk about this today to be able to receive them on Thursday, I'm ready to give up my time, while sincerely thanking our three witnesses, so that the committee can make a decision on this request.

Thank you.

● (1710)

[*English*]

The Chair: Thank you very much, Ms. Laverdière.

There is still time for Mr. Sidhu. I'll turn the floor over to Mr. Sidhu for five minutes, then we'll go in camera and deal with the issue that Ms. Laverdière is speaking of.

Mr. Sidhu, the floor is yours.

Mr. Jati Sidhu (Mission—Matsqui—Fraser Canyon, Lib.): Thank you, Mr. Chair.

Thank you, all three, for your testimony today.

It's too bad we don't have Mr. Chen here, because I had a question on Taiwan.

I had the opportunity to travel to Taiwan with other parliamentarians. Although this committee won't have a chance to go to Taiwan, we're looking to have a trade agreement with China. At the same time, Taiwan is a rapidly growing economy. They're number 25 after the G20 countries. If there is a chance to expand the 20 to 25, they would be in that.

At the same time, China says that it's one country. Maybe, Mr. Tsering, you have insight or a comment on how to do business with Taiwan without China's input.

Mr. Ngodup Tsering: If it is a question for me, I didn't understand it properly.

Can you repeat that, sir?

Mr. Jati Sidhu: How do we do business with Taiwan? They claim themselves an independent, fast-growing economy in the world, number 25 in the world. At the same time, China is claiming there's only one China. Do we have any chance in the future to do business with Taiwan? We are looking to explore opportunities in Asia.

That's the question.

Mr. Ngodup Tsering: I think yes, if you follow what the United States has done so far. They have actually passed a Taiwan Travel Act through which a new scope of co-operation with Taiwan has opened up. I think it depends on Canada, how it handles the situation; and I guess, for China, it's the three core issues, which is what they normally call the three "Ts": Tibet, Taiwan, and Tiananmen Square. That also is one way for Canada to see how it would like to do it. I cannot say so much on this but I think there definitely is a way.

I would go back a bit on what the previous MP, the Honourable Garnett Genuis, asked me about how Canada can help the Central Tibetan Administration, the exiled administration. I think there are other ways also, like supporting the middle way approach of the Central Tibetan Administration, and also by passing resolutions to send delegations to Tibet, even including Sichuan, to see how the situation is there. I'd also like to thank the foreign affairs minister of Canada for talking about the human rights situation. She said they would like to continue working to help the Tibetans.

These are some of the things. Also, another thing would be to send a Canadian parliamentary delegation to Dharamsala. That's where the Central Tibetan Administration is situated. There are a lot of things that the Government of Canada can really do for Tibet. Originally, when you hear in the United States....

● (1715)

The Chair: Thank you very much, Mr. Tsering.

For the committee's information, there is a delegation coming from Tibet on May 8, that wants to meet with this committee. So, in fact, we will have an opportunity to have that kind of conversation.

Colleagues, I want to say thank you to all three witnesses. We appreciate very much your patience and understanding. We're stuck between a rock and a hard place, as they say, because we have a vote coming up and we have some business that we need to do.

I want to suspend this meeting and go in camera for discussion of Madame Laverdière's issue. I'll ask everyone to clear the room and we'll try to do this in five minutes.

Just a reminder that on Thursday we have an hour for committee business to look at the future business, because we'll spend one hour on starting to deal with the report, and the second hour, if it takes that long, to have some vigorous debate about where we're going, what we're doing, and what we'd like to do. Hopefully it won't take an hour so that Thursday we'll end a little early, which is always a good thing on Thursday.

So let's just suspend for two minutes, we'll clear the room, and and then we'll get right into it.

Madame Laverdière.

[*Translation*]

Ms. Hélène Laverdière: Mr. Chair, I think it would be good if the rest of the meeting and this decision were public.

[*English*]

The Chair: Yes, I appreciate that this would be your position, but it's generally the committee's view, and we've been following that, that future business is done in camera. We'll stick to what we've been doing all along.

Those of you who don't belong here necessarily, please leave the room.

[*Proceedings continue in camera*]

Published under the authority of the Speaker of the House of Commons

SPEAKER'S PERMISSION

The proceedings of the House of Commons and its Committees are hereby made available to provide greater public access. The parliamentary privilege of the House of Commons to control the publication and broadcast of the proceedings of the House of Commons and its Committees is nonetheless reserved. All copyrights therein are also reserved.

Reproduction of the proceedings of the House of Commons and its Committees, in whole or in part and in any medium, is hereby permitted provided that the reproduction is accurate and is not presented as official. This permission does not extend to reproduction, distribution or use for commercial purpose of financial gain. Reproduction or use outside this permission or without authorization may be treated as copyright infringement in accordance with the *Copyright Act*. Authorization may be obtained on written application to the Office of the Speaker of the House of Commons.

Reproduction in accordance with this permission does not constitute publication under the authority of the House of Commons. The absolute privilege that applies to the proceedings of the House of Commons does not extend to these permitted reproductions. Where a reproduction includes briefs to a Committee of the House of Commons, authorization for reproduction may be required from the authors in accordance with the *Copyright Act*.

Nothing in this permission abrogates or derogates from the privileges, powers, immunities and rights of the House of Commons and its Committees. For greater certainty, this permission does not affect the prohibition against impeaching or questioning the proceedings of the House of Commons in courts or otherwise. The House of Commons retains the right and privilege to find users in contempt of Parliament if a reproduction or use is not in accordance with this permission.

Also available on the House of Commons website at the following address: http://www.ourcommons.ca

Publié en conformité de l'autorité du Président de la Chambre des communes

PERMISSION DU PRÉSIDENT

Les délibérations de la Chambre des communes et de ses comités sont mises à la disposition du public pour mieux le renseigner. La Chambre conserve néanmoins son privilège parlementaire de contrôler la publication et la diffusion des délibérations et elle possède tous les droits d'auteur sur celles-ci.

Il est permis de reproduire les délibérations de la Chambre et de ses comités, en tout ou en partie, sur n'importe quel support, pourvu que la reproduction soit exacte et qu'elle ne soit pas présentée comme version officielle. Il n'est toutefois pas permis de reproduire, de distribuer ou d'utiliser les délibérations à des fins commerciales visant la réalisation d'un profit financier. Toute reproduction ou utilisation non permise ou non formellement autorisée peut être considérée comme une violation du droit d'auteur aux termes de la *Loi sur le droit d'auteur*. Une autorisation formelle peut être obtenue sur présentation d'une demande écrite au Bureau du Président de la Chambre.

La reproduction conforme à la présente permission ne constitue pas une publication sous l'autorité de la Chambre. Le privilège absolu qui s'applique aux délibérations de la Chambre ne s'étend pas aux reproductions permises. Lorsqu'une reproduction comprend des mémoires présentés à un comité de la Chambre, il peut être nécessaire d'obtenir de leurs auteurs l'autorisation de les reproduire, conformément à la *Loi sur le droit d'auteur*.

La présente permission ne porte pas atteinte aux privilèges, pouvoirs, immunités et droits de la Chambre et de ses comités. Il est entendu que cette permission ne touche pas l'interdiction de contester ou de mettre en cause les délibérations de la Chambre devant les tribunaux ou autrement. La Chambre conserve le droit et le privilège de déclarer l'utilisateur coupable d'outrage au Parlement lorsque la reproduction ou l'utilisation n'est pas conforme à la présente permission.

Aussi disponible sur le site Web de la Chambre des communes à l'adresse suivante : http://www.noscommunes.ca